IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Crl.MC.No. 2543 of 2006()

CC.437/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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PETITIONER: 2ND ACCUSED:

K. VIJAYAN, THROUGH HIS BROTHER
K PRAKASHAN, S/O. K. KRISHNAN NAIR,
AGED 35 YEARS, KEERAKKARAM HOUSE,
IRINAVU P.O., KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

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1. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. MR.RAMACHANDRAN V., S/O. KUNHAPPA,
AGED 40 YEARS, VELLUTHERI HOUSE,
IRINAVU ROAD, P.O. IRINAVU, KANNUR DISTRICT.

BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)
PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT.J

Crl.M.C. No. 2543 OF 2006

Dated this the 15th day of December 2006

ORDER

The records have not been produced. The impugned order has also not been produced. But after discussions at the Bar I am satisfied that this Crl.M.C. can now be disposed of without waiting any longer and facilitating further protraction of the matter.

2. The petitioner is an accused in a prosecution under Section 341, 323 and 324 of the I.P.C. initiated on the basis of a private complaint filed by the second respondent herein. The petitioner was the second accused. Trial against the co-accused is already over and the case ended in conviction. The petitioner could not cross-examined PWs 1 to 4 at the earlier stage . After 313 examination the petitioner filed an application for the permission to recall PWs 1 to 4. The learned Magistrate dismissed the application under section 311 of the Cr.P.C and rejected the prayer for opportunity to cross-examine PWs 1 to 4 ... after recalling them..... After another hearing the counsel for both contestants. I am satisfied that this Crl.M.C. can be disposed of subject to appropriate conditions which shall ensure the interests of justice.

3. In the result this Crl.M.C. is allowed. The learned Magistrate shall grant the petitioner further opportunity to cross-examine all witnesses on condition that the petitioner deposits cost of Rs. 150/- each to all the four witnesses in addition. The normal batta which they would be entitled to get.

4. The learned counsel for the respondents prays that there may be a direction for a time bound expeditious disposal of the case. I find that such a request to be absolutely justified. the learned Magistrate shall dispose of the matter within three months from the date of which a copy of this order is placed before the learned Magistrate. A copy of the order shall be handed over to both counsel for the contestants . The complainant/ second respondent to ensure the expeditious delivery of the order by the learned Magistrate

R.BASANT, JUDGE

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